



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

November 1, 2011

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Petition of UGI Utilities, Inc. - Electric Division for Approval of its Energy
Efficiency and Conservation Plan

Docket No. M-2010-2210316

Dear Secretary Chiavetta:

Enclosed for filing, please find an original and nine (9) copies of the **Petition for Clarification of Commission Order** of the Investigation and Enforcement Bureau (I&E) in the above-captioned proceeding.

As evidenced by the enclosed Certificate of Service, copies are being served on all active parties of record. If you have any questions, please contact me at (717) 783-6151.

Sincerely,

Charles Daniel Shields
Senior Prosecutor
Bureau of Investigation and Enforcement
PA Attorney I.D. No. 29363

Enclosure
CDS/edc

cc: Parties of Record
Hon. Susan D. Colwell
Robert F. Powelson, Chairman
John F. Coleman, Jr., Vice Chairman
Wayne E. Gardner, Commissioner
James H. Cawley, Commissioner
Pamela A. Witmer, Commissioner
Chief Counsel Pankiw, Law Bureau
Director Cheryl Walker Davis, OSA

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of UGI Utilities, Inc. - :
Electric Division for Approval of its : Docket No. M-2010-2210316
Energy Efficiency and Conservation :
Plan :

**INVESTIGATION AND ENFORCEMENT
PETITION FOR CLARIFICATION
OF COMMISSION ORDER**

The Investigation and Enforcement Bureau (“Investigation and Enforcement ” or “I&E”) of the Pennsylvania Public Utility Commission (“Commission”), pursuant to 52 Pa. Code § 5.572, entitled “Petitions for relief,” respectfully submits this instant Petition for Clarification of the Commission Order entered at this docket on October 19, 2011. This proceeding was initiated by UGI Utilities, Inc. - Electric Division’s (“UGI-Electric” or “Company”), who sought Commission approval of a proposed Energy Efficiency and Conservation Plan (“EE&C Plan” or “Plan”).

This present I&E Petition seeks clarification of a discrepancy in the Commission’s October 19, 2011, Order between the Commission’s stated adoption of an Office of Trial Staff recommendation in the body of the Order and an Ordering Paragraph presumably intended to implement that particular Commission action.¹

¹ The Office of Trial Staff being I&E’s predecessor entity within the Commission.

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The specific sections of the Commission's Order relevant to this I&E Petition for Clarification are found at pages 30 and 31 and the subject Ordering Paragraph No. 9 is on page 46 of the Order. The respective language found at each those referenced sections of the Order are as follows:

At page 30 of the Commission Order, in pertinent part, it states:

“Accordingly, we shall adopt the recommendation of the OTS that the incentives proposed by UGI be reduced by seventy percent. This reduction will result in a \$270 incentive to install a gas water heater, a \$250 incentive for a clothes dryer replacement, and a \$1,455 incentive for a space heating conversion.”

Order, p. 30.

Further, at page 31 of the Order, the Commission states, in pertinent part:

“We recognize that, after reducing the incentives proposed by UGI by seventy percent, the adjusted incentives will still be higher than the fuel switching incentives offered by other EDCs.”

Order, p. 31.

In light of such clearly defined language evidencing that the Commission adopted the OTS recommendation and reduced the fuel switching incentives proposed by UGI in its initial EE&C Plan by seventy percent, the subsequent Ordering Paragraph No. 9 misapplies the identified seventy percent (70%), where it provides in full:

9. That the proposed fuel switching incentives for customers participating in the Home Energy Incentives Program shall be limited to seventy percent (70.0%) of the incentives proposed in the Energy Efficiency and Conservation Plan.

Order, p. 46.

As presently worded, the Ordering Paragraph misuses the “seventy percent” identified as the degree of reduction by the Commission and instead has the effect of

reducing the proposed fuel switching incentives by only thirty percent (30.0%), since it allows under its current wording for seventy percent of UGI's initially sought level of incentives.

Thus, I&E respectfully seeks to have the language of that Ordering Paragraph No. 9 on page 46 of the Order entered October 19, 2011, rendered consistent with the Commission's clearly stated adoption of the OTS recommendation for a seventy percent reduction in UGI's originally proposed fuel switching incentives for customers participating in the Home Energy Incentives Program.

To accomplish that clarification, I&E respectfully suggests that one approach would be to amend the language of the Ordering Paragraph as follows:²

9. That the proposed fuel switching incentives for customers participating in the Home Energy Incentives Program shall be ~~limited to~~ reduced by seventy percent (70.0%) of the incentives proposed in the Energy Efficiency and Conservation Plan.

² With, of course, ~~strikeout~~ indicating language deletion and underlining indicating addition.

In whatever manner the Commission deems appropriate to amend the language of Ordering Paragraph No. 9 to render it consistent with the Commission's clearly defined ruling on the issue, the Investigation and Enforcement Bureau hereby respectfully requests that the Commission issue a subsequent Order clarifying its Order entered October 19, 2011, for the reasons stated herein.

Respectfully submitted,



Charles Daniel Shields
Senior Prosecutor
Pa. Attorney I.D. No. 29363

Johnnie E. Simms
Chief Prosecutor
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Investigation and Enforcement Bureau
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Dated: November 1, 2011

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of UGI Utilities, Inc. - Electric :
Division for Approval of its Energy : Docket No. M-2010-2210316
Efficiency and Conservation Plan :

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Petition for Clarification of Commission Order**, dated November 1, 2011, either personally, by first class mail, electronic mail, express mail and/or by fax upon the persons listed below, in accordance with the requirements of § 1.54 (relating to service by a party):

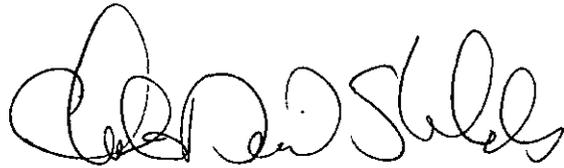
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